

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

FREDDIE LEE CLAYTON,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 3:09-CV-2048-D
VS.	§	
	§	
GARLAND POLICE DEPT., et al.,	§	
	§	
Defendants.	§	

**ORDER**


After making an independent review of the pleadings, files, and records in this case, and the May 11, 2010 findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the May 11, 2010 findings, conclusions, and recommendation of the magistrate judge are adopted, and the following motions to dismiss are granted: the March 17, 2010 motion to dismiss of Lupe Valdez (“Sheriff Valdez”); the March 19, 2010 motion to dismiss of Craig Watkins (“Watkins”); and the March 24, 2010 motion to dismiss of Garland Police Department.

Because plaintiff Freddie Lee Clayton (“Clayton”) is proceeding *pro se*, he should be given one more opportunity to plead claims against Sheriff Valdez and Watkins on which relief can be granted before the court dismisses his actions against them with prejudice. Accordingly, Clayton is granted leave to file an amended complaint no later than July 28, 2010. The amended complaint must state claims against Sheriff Valdez and Watkins on which relief can be granted.

The court is dismissing Clayton's action against Garland Police Department with prejudice by Fed. R. Civ. P. 54(b) judgment filed today because Garland Police Department is a non-jural entity and Clayton cannot cure this defect through an amended complaint.

**SO ORDERED.**

June 28, 2010.

  
SIDNEY A. FITZWATER  
CHIEF JUDGE